

Attorney's Docket: 2000DE460Serial No.: 10/021,596Art Unit 1751Response to Office Action of 10/27/2003**REMARKS/ARGUMENTS**

The Office Action mailed October 27, 2003 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested. A petition for a one month extension of time provisions of 37 CFR §1.136(a) extending the period of response to February 27, 2004, is being submitted accompanying this response. The commissioner is authorized to charge \$110 to Applicant's Deposit Account No. 03-2060. Any over payments or additional fees which may be required may be credited/charged to the Applicant's Deposit Account No. 03-2060

Applicant has amended the Application to attend to housekeeping matters and to more clearly describe the invention. Claim 1 was amended to incorporate the limitations of claims 2-5. Claim 6 was amended to depend from amended claim 1. Claim 11 was amended to be consistent with claims 8-10 with respect to the term "other laundry detergent/cleaner ingredients". Claims 11-14 were amended to properly recite lists in Markush form and remove indefinite terms like "such as", and "e.g.". Claim 15 was amended to be consistent with amended claim 1. Claim 21 was amended to depend from amended claim 15. It is not believed that any new matter was introduced by these amendments, and that no additional search is required by the Office.

Claims 12 and 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The rejection of claims 12 and 14 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, should be removed in light of the above amendments which removed terms including "such as" and "for example".

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Applicant's invention relates to a laundry detergent or cleaner which comprises microdisperse silicate-containing particles. The Applicant discovered that when such particles have an electrically charged surface and a particle size of from 2 to 50 nm, and when the particles are selected from the group consisting of colloidal silica gels, colloidal silica sols, saponites and mixtures thereof, the laundry detergent or cleaner shows surprisingly improved cleaning performance, particularly when such particles are in combination with hydrophobicizing agents. In Table 1 of Applicant's Specification (See page 16.), Applicant presents a side-by-side comparison of cleaning compositions according to the Gardner test for cleaning hard surfaces (See paragraph [0046] of Applicant's Specification). Referring to Table 1, in the bottom portion, various stains were applied to PVC tile and ceramic wall tile surfaces, and the surfaces were wiped a specified number of times (50 max) and a relative level of cleaning from 1 (best) to 5 (worse) was indicated. Attached to this response is a specification sheet which shows the particle size for various Klebosol materials (Available from Clariant Corporation, Charlotte, NC). All of the Klebosols tested had a particle size within 2 to 50 nm. As is shown in the attached specification sheet, the last number in the Klebosol designator shown in Table 1 indicates the particle size in nm. Comparing Example 1 to Example 4, and comparing Example 5 to Example 7, the cleaning performance results of Ex. 4 and 7 having both the silicate-containing particles and the hydrophobicizing agent clearly demonstrate significantly improved performance compared to the examples with only the Klebosol added (Ex. 2,3 or 6), or with no Klebosol added (Ex. 1 and 5).

Claims 1-13 and 15-21 stand rejected under 35 USC § 102(b) as being anticipated by Asante et al. (US Patent No. 6,287,346). The rejection of claim 1 as amended under 35 USC § 102(b) as being anticipated by Asante et al. (US Patent No. 6,287,346) should be removed for the reason that as amended, claim 1 does not include all of the elements of the instant invention. Ansante et al. discloses a laundry detergent composition comprising magnesium silicate (Laponite RD). As amended, claim 1 does not include a particle comprising Laponite RD, or magnesium silicate such as hectorites. Applicant's invention is a laundry detergent or cleaner which comprises microdisperse, hydrophilic silicate-containing particles which have a

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particle size between 9 and 50 nm, have an electrically charged surface, and wherein the particles are selected from the group consisting of colloidal silica gels, colloidal silica sols, saponites, and mixtures thereof, and the laundry detergent or cleaner comprises at least one hydrophobicizing agent. The '346 reference does not disclose the silicate containing particles of the instant invention and is silent on any particle size advantage which Applicant has demonstrated results in surprising improvements in cleaning performance as shown in Table 1. Anticipation is established only when a single prior art reference discloses expressly, or under principles of inherency, each and every element of a claimed invention. Therefore the rejection of amended claim 1 under 35 USC § 102(b) as being anticipated by Asante et al. (US Patent No. 6,287,346) should be withdrawn for the reason that Asante et al. does not disclose all of the elements of Applicant's invention. The rejection of claims 2-13, and 15-21 under 35 USC § 102(b) as being anticipated by Asante et al. (US Patent No. 6,287,346) should be withdrawn for the reasons given in support of amended claim 1 from which they depend with respect to claims 2-13 and for the reasons given in support of claim 1 for claims 15-21.

Claims 1-4 and 10-19 stand rejected under 35 USC § 102(b) as being anticipated by Weibel et al. (US Patent No. 5,821,214). The rejection of claim 1 as amended under 35 USC § 102(b) as being anticipated by Weibel et al. (US Patent No. 5,821,214) should be removed for the reason that as amended, claim 1 does not include all of the elements of the instant invention. Weibel et al. discloses a cleaner for hard surfaces which comprises an abrasive and a thickener comprising Laponite RD. As amended, claim 1 does not include a particle comprising Laponite RD, or magnesium silicate such as hectorites. Applicant's invention is a laundry detergent or cleaner which comprises microdisperse, hydrophilic silicate-containing particles which have a particle size between 9 and 50 nm, have an electrically charged surface, and wherein the particles are selected from the group consisting of colloidal silica gels, colloidal silica sols, saponites, and mixtures thereof, and the laundry detergent or cleaner comprises at least one hydrophobicizing agent. The '214 reference does not disclose the silicate-containing particles of the instant invention and is silent on any particle size advantage which Applicant has demonstrated result

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in surprising improvements in cleaning performance as shown in Table 1.

Anticipation is established only when a single prior art reference discloses expressly, or under principles of inherency, each and every element of a claimed invention.

Therefore the rejection of amended claim 1 under 35 USC § 102(b) as being anticipated by Weibel et al. (US Patent No. 5,821,214) should be withdrawn for the reason that Weibel et al. does not disclose all of the elements of Applicant's invention. The rejection of claims 10-19 under 35 USC § 102(b) as being anticipated by Weibel et al. (US Patent No. 5,821,214) should be withdrawn for the reasons given in support of amended claim 1 from which they depend with respect to claims 10-14 and for the reasons given in support of claim 1 for claims 15-19.

Claims 1-4 and 10-19 stand rejected under 35 USC § 102(b) as being anticipated by Pruhs et al. (US Patent No. 4,511,487). The rejection of claim 1 as amended under 35 USC § 102(b) as being anticipated by Pruhs et al. (US Patent No. 4,511,487) should be removed for the reason that as amended, claim 1 does not include all of the elements of the instant invention. Pruhs et al. discloses a detergent paste for use in dishwashers which comprises a thickener comprising Laponite RD and is silent on the requirement for any hydrophobicizing agent. As amended, claim 1 does not include a particle comprising Laponite RD, or magnesium silicate such as hectorites. Therefore the rejection of amended claim 1 under 35 USC § 102(b) as being anticipated by Pruhs et al. (US Patent No. 4,511,487) should be withdrawn for the reason that Pruhs et al. does not disclose all of the elements of Applicant's invention. The rejection of claims 10-19 under 35 USC § 102(b) as being anticipated by Pruhs et al. (US Patent No. 4,511,487) should be withdrawn for the reasons given in support of amended claim 1 from which they depend with respect to claims 10-14 and for the reasons given in support of claim 1 for claims 15-19.

Claims 1-21 were rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (U.S. Patent No. 4,124,523). Johnson relates to an aqueous acidic composition which consists essentially of polydimethylsiloxane, water, an acid, an abrasive, and a colloidal silica colloidal silica flocculated with a non-ionic surfactant. The compounds are useful for cleaning glass-ceramic cooking surfaces. The rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Johnson (U.S.

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Patent No. 4,124,523) should be withdrawn for the reason that claim 1 as amended does not include any silicones or silicone oils in combination with silica sols or silica gels. Therefore the rejection of amended claim 1 under 35 USC § 102(b) as being anticipated by Johnson (U.S. Patent No. 4,124,523) should be withdrawn for the reason that Johnson does not disclose all of the elements of Applicant's invention. The rejection of claims 6, 8-14 and 15, and 21 under 35 U.S.C. 102(e) as being anticipated by Johnson (U.S. Patent No. 4,124,523) should be withdrawn for the reasons given in support of amended claim 1 from which they depend with respect to claims 6, and 8-14 and for the reasons given in support of claim 1 for claims 15 and 21.

It is respectfully submitted that, in view of the above remarks, the objections to the claims and the rejections under 35 U.S.C. 112 and 102 should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



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Attachments:

KLEBOSOL: The Colloidal Silica – Specification Brochure
Petition for a 1-Month Extension of Time

Exactly your chemistry.



Division Functional Chemicals

[®] Klebosol The Colloidal Silica

Product Range. Properties. Applications



Typical properties

Product	% SiO ₂	Particle size (nm)	Specific surface area (m ² /g)	Density (20°C)	pH (20°C)	% Na ₂ O total
®Klebosol 30 V 9	30	9	280	1,2	10,5	<0,80
®Klebosol 30 R 9	30	9	280	1,2	10,5	<0,80
®Klebosol 30 V 12	30	12	200	1,2	10	<0,45
®Klebosol 30 R 12	30	12	200	1,2	10	<0,45
®Klebosol 40 R 12	40	12	200	1,3	10	<0,60
®Klebosol 30 L 12	30	12	200	1,2	10,5	<0,20
®Klebosol 30 V 25	30	25	120	1,2	9	<0,20
®Klebosol 30 R 25	30	25	120	1,2	9	<0,20
®Klebosol 40 R 25	40	25	120	1,3	9	<0,30
®Klebosol 30 CAL 25	30	25	120	1,2	4	<0,20
®Klebosol 30 V 50	30	50	50	1,2	9	<0,20
®Klebosol 30 R 50	30	50	50	1,2	9	<0,20
®Klebosol 40 R 50	40	50	50	1,3	9	<0,30
®Klebosol 50 R 50	50	50	50	1,4	9	<0,40
®Klebosol 50 A 50	50	50	50	1,4	10,7	<0,35
®Klebosol 30 CAL 50	30	50	50	1,2	4	<0,35
®Klebosol 20 H 12	20	12	200	1,1	2,5	<0,35
®Klebosol 30 H 25	30	25	120	1,2	2,5	<0,35
®Klebosol 30 H 50	30	50	50	1,2	2,5	<0,35
®Klebosol 30 N 12	30	12	200	1,2	10	<0,35
®Klebosol 30 N 25	30	25	120	1,2	10	<0,35

V = product for food application
R = product protected against bacteria

toxicity

• amoniac stabilised

• carbonic Klebosol

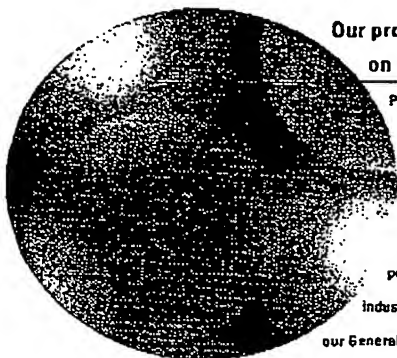
• acidic Klebosol

• special grade for palletising

• special grade for food industry



11. Product name



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